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May 19, 2015

VIA FAX AND ECF

The Honorable Alvin K. Hellerstein
United States Court House—Room 1050
500 Pearl Street
New York, New York 10007

Re: **Fox News Network, LLC v. TVEyes, Inc., 13-cv-5315**

Dear Judge Hellerstein:

We represent Defendant TVEyes, Inc. (“TVEyes”) in the above-referenced action. Pursuant to Your Honor’s Individual Rules, we write jointly with Plaintiff Fox News Network, LLC (“Fox News”) regarding the upcoming supplemental briefing on summary judgment in this action.

In connection with this briefing, the parties anticipate relying on information that was designated as Confidential Information or Highly Confidential Information under the Stipulated Protective Order. [Dkt. 16]. As the material relied upon by the parties in each round of briefing likely will overlap, the parties seek to streamline the process of moving for permission to file materials under seal pursuant to Your Honor’s Individual Rules § 4.B.

Accordingly, the parties jointly and respectfully request that the Court endorse the following procedure for supplemental briefing in this case:

- The parties will serve each other with all summary judgment materials on the dates set forth in the Court’s Memo Endorsement of March 12, 2015 [Dkt. 102]—opening briefs due by **May 21, 2015**; responsive briefs due by **June 18, 2015**. The parties also will file on the public record on those dates notices of motion or certificates of service indicating that the required materials have been served, and shortly thereafter will provide the Court with courtesy copies of all briefing materials.

- No later than **June 25, 2015**, the parties will identify to each other those portions of the briefing materials sought to be sealed and set forth the reasons why sealing is appropriate under the circumstances.
- No later **July 9, 2015**, the parties will submit a joint letter to the Court pursuant to Your Honor's Individual Practices § 4.B requesting permission to file confidential materials under seal.
- Based on the Court's ruling on the joint letter, within **one week** of the Court's order, the parties will file on the public record redacted versions of their briefing, and file under seal any redacted materials. In addition, to the extent the parties rely upon DVDs (which cannot be filed via ECF), such DVDs will be filed in physical form with the clerk of the Court.

Respectfully submitted,



Todd Anten

cc: Plaintiff's counsel of record (via email)